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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF STANLEY MERWIN
BERMAN A/K/A STANLEY M. BERMAN, *et al.*,

Defendants.

Adv. Pro. No. 09-01305 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF
DEFENDANTS THE ESTATE OF STANLEY MERWIN BERMAN A/K/A
STANLEY M. BERMAN, JOYCE BERMAN INDIVIDUALLY AND
IN HER CAPACITY AS EXECUTOR OF THE ESTATE OF STANLEY MERWIN
BERMAN A/K/A STANLEY M. BERMAN, AND S & J PARTNERSHIP
FROM ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants The Estate of Stanley Merwin Berman a/k/a Stanley M. Berman, Joyce Berman individually and in her capacity as Executor of The Estate of Stanley Merwin Berman a/k/a Stanley M. Berman, and S & J Partnership, by and through their counsel, Andrew D. Beresin, Esq. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) against Stanley M. Berman, Joyce C. Berman, and S & J Partnership, as well as other defendants who remain in the Adversary Proceeding by filing his original complaint (ECF No. 1).

2. On October 8, 2009, the Trustee filed his First Amended Complaint (the “FAC”) in the Adversary Proceeding against Stanley M. Berman, Joyce C. Berman, and S & J Partnership, as well as other defendants who remain in the Adversary Proceeding (ECF No. 82).

3. Defendants Stanley M. Berman, Joyce C. Berman, and S & J Partnership filed an answer to the FAC on September 19, 2011 (ECF No. 236).

4. Stanley M. Berman died on February 27, 2011. The Estate of Stanley Merwin

Berman a/k/a Stanley M. Berman and Joyce C. Berman, in her capacity as Executor of The Estate of Stanley Merwin Berman a/k/a Stanley M. Berman were substituted as defendants in place of Stanley M. Berman by Order dated March 1, 2012 (ECF No. 263).

5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 (Case No. 08-01789, Dkt. No. 3181), the Trustee and The Estate of Stanley Merwin Berman a/k/a Stanley M. Berman, Joyce Berman individually and in her capacity as Executor of The Estate of Stanley Merwin Berman a/k/a Stanley M. Berman, and S & J Partnership (the “Settling Defendants”) entered into a Settlement Agreement and Release dated August 15, 2019 (the “Settlement Agreement”).

6. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against the Settling Defendants in the Adversary Proceeding, with each of the Parties to bear its own attorney’s fees and costs.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

8. This Stipulation may be signed by the Parties, through their counsel, in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. Upon the dismissal of the Settling Defendants, the caption of the Adversary Proceeding is hereby amended to delete the Settling Defendants from the caption. The amended caption shall appear as indicated in Exhibit A to this Stipulation.

Dated: August 20, 2019
New York, New York

BAKER HOSTETLER LLP

By: /s/ Esterina Giuliani

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SIPA Liquidation of Bernard L. Madoff
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Stanley Merwin Berman a/k/a Stanley M.
Berman, Joyce Berman individually and
in her capacity as Executor of The Estate
of Stanley Merwin Berman a/k/a Stanley
M. Berman, and S & J Partnership*

SO ORDERED this 23rd day of August 2019.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
United States Bankruptcy Judge